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IN THE

Supreme Court of the United States

OCTOBER TERM, 1959

No. 627

FRANK E. MONDAY,

Petitioner,

v.

THE UNITED STATES

MOTION FOR LEAVE TO FILE SECOND PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI

DAVID M. KLEINDIENST,
1346 Connecticut Ave., N.W.
Washington 6, D. C.
Attorney for Petitioner

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Petitioner prays that this Court grant his motion for leave to file second petition for rehearing of the Court's order of February 23, 1960 denying the petition for a writ of certiorari to issue to review the judgment of the United States Court of Claims on the above entitled case as prayed for in the petition filed on January 4, 1960, herein. The first petition for rehearing in this case was denied by the Court on April 4, 1960.

REASONS FOR GRANTING THE MOTION

(1) Petitioner asserts that he can show that his removal by the Department of the Air Force was due to discrimination because of petitioner's political and fraternal affiliations as well as his views with respect to the Negro citizens of the United States.

Petitioner has been a life long registered voter in the Commonwealth of Pennsylvania and has always been a

devoted and loyal member of the Democratic Party of that state. Petitioner has also been a member of the Masonic fraternity for the past 29 years. In Pennsylvania he was Master of his Masonic Lodge and representative in the Grand Lodge of the Masonic fraternity. In the District of Columbia, he has been Commander of the Knights' Templar and Master of his Masonic Lodge.

Petitioner has always tried to be tolerant and understanding of the plight and problems of the Negro citizens of this country as well as other racial minority groups. He has never failed to express his views of sympathetic interest in his fellow citizens of the Negro race. He readily associated with Negro co-workers in the Department of the Air Force.

Petitioner is ready to submit affidavits from co-workers to show that the management of the agency was opposed to petitioner and discriminated against him because of his political and fraternal affiliations as well as his views on racial minority groups.

CONCLUSION

For the reasons set forth above and in the petition for the writ of certiorari, it is respectfully urged that the motion for rehearing be granted and that upon such rehearing a writ of certiorari issue to the United States Court of Claims.

DAVID M. KLINEDINST
Attorney for Petitioner

CERTIFICATE OF COUNSEL

I hefeby certify that the foregoing motion for leave to file 2nd petition for rehearing of order denying petition for writ of certiorari is presented in good faith and not for the purpose of delay and is restricted to the grounds specified in Rule 58 of the Rules of this Court.

David M. Klinedinst
Attorney for Petitioner